

WESTERN PA PITTSBURGH

SHANE ALBERT EVERETTS

- V -

Case 2:21-CV-1209

Pennsylvania STATE POLICE ☒ Official Capacity

Sgt John Doe "Waltmire"

John Doe OShlick

John Doe Emery

John Doe Mgrady

Inmate

MISCONDUCT CATEGORY

Butler County Prison

MAJOR ☒ MINOR ☐ INFORMAL RESOLUTION ☐

Inmate Number 029813

Inmate Name EVERETTS, SHANE ALBERT

Cell Assignment D27

Incident Date Time 08/25/2021 00:00

Date of Report 08/29/2021 00:00

Location Type D-POD

Location Description D POD

Offenses

Offense Type	Offense Code	Description
MAJOR	27-1.A	REFUSING AN ORDER: UP TO 60 DAYS LOCKDOWN
MAJOR	41-8.G	VIOLATION OF ANY RULE OR REGULATION NOT CONTAINED IN IN THE INMATE HANDBOOK
T.B.D.	27-1.I	ANY CONDUCT THAT DISRUPTS THE NORMAL ROUTINE: UP TO 60 DAYS LOCKDOWN

The Grievances I filed were
about this issue, ~~the~~
~~the~~

STAFF MEMBER'S VERSION

On 08-23-2021 at or around 1610 I spoke with you about submitting grievances about a matter that was already investigated and finished. I ordered you to stop submitting said grievances. On 08-25-2021 and 08-26-2021 you did submit 3 grievances again about the same issue that was already investigated. You willfully refused an direct order.

These Grievances were not investigated yet. I attempted to serve
Sgt Waltmire waiver of Summons "he told me to go F myself, have my
lawyer do this he aint signing this" and to "pack it up" 4:50
IMMEDIATE ACTION TAKEN AND REASON ABG 29

MOVED TO THE RHU ON DISCIPLINARY L/D

PRE-HEARING CONFINEMENT

YES ☒ NO ☐ IF YES

PreHearing DV/Tm 08/29/2021 16:50

Employee Signature

08-29-21

Date

Person Serving Notice

DATE AND TIME INMATE GIVEN COPY

Employee Signature

8-29-21

Date

Supervisor Signature

8-29-21

Date

Methen Ar
JFP

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of PA
Pittsburgh Division

Case No.

2:21-cv-1209

(to be filled in by the Clerk's Office)

15BE/KCB #4

SHANE EVERETTS

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Walthmire -v- Mgrachy
Emery
Oshlick PA State Police

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

RECEIVED

SEP 10 2021

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIACOMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Shane Everetts

All other names by which
you have been known:

ID Number

Current Institution

Butler County Prison

Address

Butler PA 16001

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Sgt Waltmire

Job or Title (*if known*)

Shield Number

Employer

Butler Jail

Address

202 S Washington

Butler

pa

16001

City

State

Zip Code

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Oshlick

Job or Title (*if known*)

Shield Number

Employer

Butler County Jail

Address

202 S Washington

Butler

pa

16001

City

State

Zip Code

☒ Individual capacity ☒ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Emery

Job or Title (if known)

Shield Number

Employer

Butler County Jail

Address

202 S Washington St

Butler

pa

16048

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

Mgrady

Job or Title (if known)

Shield Number

Employer

Butler County Jail

Address

202 S Washington

Butler

pa

16001

City

State

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st Amendment - Denied Immin Booking call to notify family
 8th Amendment - Intentional Denial of Medical Deliberate Indifference
 14th Amendment - Deprived of Basic necessities

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance? not Strip searched 2020
 Denied Medical at time of Booking
~~Was~~ Was not fed Breakfast lunch or Diner
 Denied 1 min Phone call. Why
 Sgt Waltmire Got my footprint for State Police

3. What was the result, if any?

Wrote me up for filing Grievances.
 450 Aug 29 Sgt Waltmire told me to Go fuck myself ³ to have
 my lawyer Serve him the complaint and to pack it up.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

They told me not to file any more Grievances.
 I am Scared to file any more.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

They told me Do not file any more Grievances about this issue

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

The put me in hole for Filing Grievances about not Bein Strip Search, Denied Medical, Breakfast Lunch Diner & my 1 min Phone call

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

See Attached

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Shane Everetts

Defendant(s)

Justin Baptist

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

2:21-cv-01047

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

re opened up payment of
filing fee or Statement of account

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Shane Everetts

Defendant(s) ~~Shane~~ Major Justin Baptist, et al

2. Court (if federal court, name the district; if state court, name the county and State)

USDC Western PA

Defendants

3. Docket or index number

2:21 cv 01047

4. Name of Judge assigned to your case

Lisa Pupo Lenihan

5. Approximate date of filing lawsuit

Aug 6 2020

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Court ordered If plaintiff re Submits another motion to proceed in forma pauperis or pays \$462 filing fee reopen case.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: ~~September 1~~ September 1

Signature of Plaintiff Sharon Grant

Printed Name of Plaintiff _____

Prison Identification # 029813

Prison Address Butler County Jail

_____ 16001

City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City State Zip Code

Telephone Number _____

E-mail Address _____